



TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS
INTER-OFFICE MEMORANDUM

TO: Herman Horn, Chief, Bureau of Regional & Local Health Operations
Regional Directors
Directors, Local Health Departments
Directors, Independent WIC Local Agencies

FROM: Bob Kissel, Acting, Chief *W*
Bureau of Nutrition Services

DATE: September 29, 2000

SUBJECT: Additional Questions and Answers Regarding Rider 18

The state agency has received additional questions from local agencies regarding the implementation of Rider 18 on child abuse screening, documenting and reporting which we wanted to share with all local agencies. Please refer to memo 00-084 previously sent to you announcing the implementation of the policy on Rider 18 and memo 00-095 regarding the first series of questions we received and shared with you.

Questions and Answers:

Q. Since the policy and checklist require reporting clients under age 14 who are pregnant or have a confirmed diagnosis of a sexually transmitted disease (STD) acquired other than through perinatal transmission, do we have to ask the clients about **STDs**?

A. The pregnant client under age 14 must be reported regardless of whether or not she might also have an STD. Infant/child applicants with an STD as described above must also be reported. In either case, it is not necessary to ask anything further than what is already done during the health history.

Q. To whom do we report?

A. Contractors are required to know the law on child abuse reporting which gives the options for reporting. We cannot stress enough the obligation for the contractor to **know** the law. We have told several callers from WIC local agencies that reporting to the Department of Protective and Regulatory Services (DPRS) is probably the easiest option to choose. However, we need to point out that a report to DPRS is not always the appropriate choice. Report to DPRS when abuse

involves someone responsible for care, custody or welfare of the child. "Abuse" in the definition in the law includes "failure to make a reasonable effort to prevent sexual conduct harmful to a child" or "encouraging the child to engage in sexual conduct." So if a parent has abused a child under these definitions, a report to DPRS is appropriate. Contractors may need to report to law enforcement in other circumstances.

Q. Do we have to complete a checklist for every child under age 14 including the children ages one through four?

A. No, just complete one for clients under age 14 who are pregnant or have an STD.

Q. Can our agency have one policy or does each service area have to have a policy if we get funding for multiple services such as WIC, Family Planning, Title V?

A. An agency can implement one local policy applicable to the operations of all the areas affected by Rider 18 implementation.

Q. What does our local policy have to say?

A. It is up to each local agency. The agency is required to adopt the TDH policy and describe in its internal policy how it will determine, document and report incidents of child abuse as required by law. Agencies may want to describe how they will conduct training, who will be trained, and what the components of the training will be.

Q. Is reporting the clients under age 14 who are pregnant or have an STD the only time local agencies have to report child abuse?

A. No, all incidents of child abuse, sexual or nonsexual, must be reported by law. It is strongly recommended that local agency directors download the law from the Texas Department of Health (TDH) web site and familiarize themselves with all the provisions of the law. TDH is focusing its monitoring effort on ensuring children under age 14 who are pregnant or have an STD are reported but the TDH policy clearly states all incidents of child abuse must be reported by policy and the law.

Q. A client calls for an appointment to apply for WIC. During the conversation, the staff learn she is under age 14 and is pregnant. They also have her name and address. Do they have to report the client then or later at the appointment? What if they don't report her then and she never comes in for the appointment?

A. A report must be made at the time it comes to your attention that a child under age 14 has been sexually abused. Since under the law nonprofessionals must report immediately and professionals within 48 hours, the report should be made at the time the information is known to the staff. Complete a checklist. A procedure for reminding staff that this client has already been reported will probably need development so that a duplicate report won't be made when the client keeps her appointment. If the client never keeps the appointment, note this on the checklist. A special file may need to be created for these checklists. This sounds very burdensome but these incidences

should be rare. Normally the age of a client is not requested by the staff when an appointment is made.

Q. The law and the policy say nonprofessionals must report “immediately.” Can the nonprofessional refer the information to a supervisor for reporting?

A. An interpretation of “immediately” could be “as soon as is reasonably possible after the nonprofessional has decided she has cause to believe a child has been abused.” Agencies must determine what their interpretation of “immediately” is. The law forbids a professional **from** delegating her responsibility for reporting but is silent on this subject for the nonprofessional. However, anyone can be prosecuted for failure to report. If the nonprofessional has cause to believe abuse has occurred and reports to her supervisor who decides no report should be made and the nonprofessional disagrees, the nonprofessional must report under the law.

Q. Does the state agency have an idea of how many girls under age 14 who are pregnant are participating in WIC right now?

A. The last time a query was done (FY 1999 data) there were a total of 453 statewide. The breakdown by age was: 2 age 9; 1 age 10; 17 age 11; 63 age 12, 370 age 13. The state agency will query FY 2000 data and report to you at a later date.

Upcoming Training:

At the next teleconference on October 10, 2000 from 9-11 a.m. Central Standard Time on the topic “Recall and Risk,” the state agency staff will include a training piece on Rider 18 and the implementation of the new policy CS: 02.3, Physical Presence.

Rider 18 TDH Web Site information:

<http://www.tdh.state.tx.us/Rider18.htm>

Additional questions and answers:

Stay tuned for more information and we appreciate your cooperation and dedication. If you have any further questions or comments on Rider 18 please continue to contact Valerie Wolfe at (512) 458-7111 extension 2072 or email to valerie.wolfe@tdh.state.tx.us.